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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,459	04/27/2001	Sarah Bell	36-1445	8070
23117	7590	07/12/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			MERED, HABTE	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,459

Applicant(s)

BELL ET AL

Examiner

Habte Mered

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16, 21, 22, 24, 25, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 4-15, 17-20, 23 and 26-29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/21/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

1. The amendment filed on 19 April 2005 has been entered and fully considered.
2. The changes made by the applicant to the specification and claims have been fully reviewed and consequently the objections to the specification and claims stated in the Office Action dated 2 December 2004 have been withdrawn.
3. Claims 1-31 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim1-3, 16, 21, 22, 24, 25, 30, and 31** are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (US 6, 088, 732) hereafter Smith.

The applied reference has a common *** with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

6. Regarding **claims 1, 16, 30 and 31** Smith shows in Figure 8 a system that supports multimedia session over the network. Smith also shows in Figure 11 (a) & (b) a corresponding method applicable for a system that supports a multimedia session as shown in Figure 8. A close examination of the elements in Figure 8 will reveal that these elements are similar to the session controller and communication manager discussed in the application in terms of roles and functionalities.

The SD Tool and the Information Controller (blocks 42 and 43 in Figure 8) taken as an entity can be considered as the session controller. The SD Tool is responsible for interacting with the end user in terms of sending session announcement to the end user and processing the response from the end user. See Column 11, Lines 24 –27; Column 12, Lines 27 – 29; and S43 & S44 in Fig.10 (a). The SD Tool processes the response of the end user that indicates which session the user has chosen from the session announcement. The session announcement broadcast to the end user contains session parameters like media types, formats, time(s) of session(s), session name and description, and type of session. See Column 11, Lines 60 – 66. The response sent by the end user to the SD Tool, after selecting a session, has to contain some of the session parameters contained in the initial session announcement. The SD Tool has to resolve or parse the end user response that contains the selected session description and other session parameters in order to choose the appropriate multimedia application profile and launch the multimedia application as indicated in S45 in Fig. 10 (a). Smith also describes the case where the multimedia application is already running and the end user requesting to join the session as shown in Fig 13 (a) & (b).

In the session description the end user can specify QoS and choose more than one media stream. For instance one can choose video and audio streams in a multimedia session and further one can only choose video from a session offering both video and audio. See Column 15, Lines 30 – 32. The end user can also select the format for the media stream that indicates the level of encoding which is a function of the amount of bandwidth required to receive the media stream and is in effect a quality of service and can be specified from the options available in the session announcement. See Column 11, Lines 66 – 67 and Column 15, Lines 22 – 30.

QoS Manager and Terminal Resource Monitor taken as an entity can be considered as the Communication Manager. The QoS Manager compares the media application profile obtained from the SD Tool to that of the detected terminal profile obtained from the Terminal Resource Monitor. See Column 11, Lines 38 – 44. The comparison is made to see if there are enough resources to meet the service requested by the user in the session description which includes parameters like media stream formats which is a quality of service based on bandwidth. See Column 13, Lines 1 - 5

If the QoS Manager determines there is sufficient resources after comparing the application profile with that of the detected terminal profile then the selected media stream is connected to the appropriate media application using one of the appropriate codecs or controllers shown in Figure 9 (blocks 43 a-c) and hence the actual multimedia session is invoked. See Column 12 Lines 32 – 45 and Column 13, Lines 1 – 5

The Information Controller, which can be viewed as part of the session controller, manages and monitors the media stream connection between the media application

and the end user. Figure 9 shows the different components of the Information Controller and has a controller and a monitor for each type of media stream. See Column 11, Lines 44 – 53 and 56 – 59.

7. Regarding **claims 2 and 3**, Smith shows that the Information Controller, which can be considered to be part of the session controller, selects the media stream for the media session to be invoked based on the criteria obtained from the QoS Manager. See Column 12, Lines 37 – 45 and S51 & S52 in Figure 10 (b). The criteria used by the QoS Manager to determine if a media stream connection is viable to invoke the media session is by comparing the media application profile to that of the detected terminal profile. See Column 12, Lines 37 – 49

8. Regarding **claim 21**, Smith shows that the QoS Manager and the Terminal Resource Monitor, when taken together as an entity have the functionality of a communication manager, are responsible for initiating the media stream connection between the end user and the media application. The QoS Manager directly controls the Information Controller that has the appropriate codec or media controller for each media type to invoke a media session between the application and the end user. See Column 11, Lines 44 – 49; Column 12, Lines 36-45; and Column 13, Lines 1 – 5

9. Regarding **claim 22**, Smith teaches that the QoS Manager determines if the requested connection can be supported by comparing the application profile with that of the terminal profile detected by the Terminal resource Monitor. The connection is considered viable and initiated If the terminal profile matches or exceeds the application profile. See Column 12, Lines 37 – 67 and Figure 10 (b)

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10. Regarding **claims 24 and 25**, Smith in Figures 13(b), 11(b), and 10(b) shows how each connection request is handled sequentially and shows steps on how to handle cases of connections not viable because of lack of resources.

Allowable Subject Matter

11. **Claims 4 – 15, 17 – 20, 23, and 26 -29** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed on 19 April 2005 have been fully considered but they are not persuasive.

13. In the Remarks, Page 21, Applicant argues that Smith does not anticipate claims 1-3, 16, 21, 22, 24, 25, 30 and 31. Examiner respectfully disagrees with the Applicant's conclusion. In the Office Action of 2 December 2004, in support of Smith anticipating claims 1-3, 16, 21, 22, 24, 25, 30 and 31, the examiner has either matched the elements in these claims with ones taught by Smith or described the elements as inherent to the process.

14. Applicant cites as an example the following limitations being not anticipated by Smith:

A) Applicant, in the Remarks on Page 21, argues that Smith fails to disclose "parsing the session description to determine appropriate media application programs for processing at least one media stream of the session description, the session

description including data relating to quality of service policy; determining based on available resources whether participation in the media session is viable using the quality of service policy based on said data".

Examiner respectfully disagrees with the Applicant's conclusion. Smith teaches that the Session Directory Tool is responsible for interacting with the end user in terms of sending session announcements to the end user and processing the response from the end user. **(See Column 11, Lines 24-27; Figure 1a steps 44 and 45; Column 12, Lines 27-29).** The Examiner emphasizes that Smith clearly states the format of the session announcement on **Column 11, Lines 60-67 and Column 12, Lines 1-7**. It is inherent for the end user's response to the session announcement to be a session description similar to the session announcement. Smith further strengthens this point of view by indicating that the user enters a set of preferred parameters that must be met before any information transfer occurs. **(See Column 2, Lines 51-55 and Column 4, Lines 32-34.)** Smith further teaches that the end user can select the format for the media stream as well as the type of media stream to be received. **(See Column 2, Lines 51-55; Column 11, Lines 66-67; and Column 15, Lines 22-30)** The ability to choose what type of encoding to use as well as the type of media is a function of the amount of bandwidth required and is a data of quality service policy.

B) Applicant, in the Remarks on Page 21, argues that Smith fails to disclose "a communication manager for determining based on available resources whether the participation in the media session is viable using a quality of service policy based on quality of service data provided in the session description".

Examiner respectfully disagrees with the Applicant's conclusion. In Smith's teaching the QoS Manager and Terminal resource Manager taken as one entity serve as a Communication Manager. The QoS Manager compares the media application profile obtained from the SD Tool to that of the detected terminal profile obtained from the Terminal Resource Monitor. **(See Column 11, Lines 38-44)**. The comparison is made to see if there are enough resources to meet the service requested by the user in the session description which includes parameters like media stream formats which is a quality of service policy data based on bandwidth. **(See Column 13, Lines 1-5; See Figures 10b, 11b, and 13b)**

15. In the Remarks, Page 22, Applicant argues that the response of the end user in Smith does not convey information about a media stream in a multi-cast media session. Examiner respectfully disagrees with the Applicant's conclusion. Examiner's response to this argument is identical to the response given above in item 6 A. Examiner points out that the session announcement in Smith's teachings is that for a "multicast session". **(See Column 11, Lines 60-63)**. Further the session announcement clearly shows options for time(s), session name, and description. **(See Column 11, Lines 64-67 and Column 12, Lines 1-7.)** Further, Smith clearly shows in **Column 2, Lines 51-55; Column 4, Lines 32-34; and Column 15, Lines 22-30** that user is able to enter preferred parameters for these sessions to occur. Therefore it is inherent to Smith's system for the end user response to a join a session announcement to be in a form of session description containing all or some of the parameters listed in the session announcement.

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16. In the Remarks, Page 22, Applicant argues that the end user has no control over the session description. Examiner respectfully disagrees with the Applicant's conclusion. In addition to the Examiner's responses given above in items 6 A and 7, Examiner points out Smith's unambiguously teaches that the end user may choose to receive MPEG while its system can receive MPEG2 or just video without audio while being fully capable of receiving both audio and video. **(See Column 15, Lines 22-32)**

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HM
07-11-2005



JOHN PEZZLO
PRIMARY EXAMINER